

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiffs,

VS.

HEIDI HAISCHER

Defendant,

2:11-cr-267-MMD-CWH

MINUTES OF THE COURT

Dated: November 7, 2012

PRESENT:

THE HONORABLE **MIRANDA M. DU**, U.S. DISTRICT JUDGE

DEPUTY CLERK: PEGGIE VANNOZZI

COURT REPORTER: ELLEN FORD

PRESENT FOR PLAINTIFF: BRIAN YOUNG AND THOMAS HALL, TRIAL ATTORNEYS

PRESENT FOR DEFENDANT: GABRIEL GRASSO

IN COURT PROCEEDINGS - JURY TRIAL (DAY 2)

Proceedings begin at 10:13 AM. The Defendant is present. Case agent Dawn Tomzish is present. Paralegal Kelsey Ferguson assists Government counsel. Attorneys Zohra Bakhetary assists Defense counsel.

The Court GRANTS [89] for the reasons given in open court.

The jury enters at 10:15 AM.

Patricia Forcier is sworn to testify. Mr. Young examines the witness. Government's exhibits 1, 1a, 1b, 1c, 1d, 1e, and 1f are marked and admitted. Mr. Grasso examines the witness. Government's exhibit 1g, Defendant's exhibits 535 and 536 are marked and admitted. Mr. Young examines the witness. Government's exhibit 1h is marked and admitted. Mr. Grasso examines the witness. The witness is excused.

Proceedings recess from 11:36 AM to 11:59 AM. The jury is present.

Abel Manriquez is sworn to testify. Mr. Young examines the witness. Government's exhibit 23 is marked and admitted. Mr. Grasso examines the witness. Defendant's exhibit 537 is marked and admitted. Mr. Young and Mr. Grasso examine the

witness. The witness is excused.

The jury exits at 12:48 PM.

Mr. Grasso advises the Court that his secretary has learned that Kelly Nunez is still in Arizona. Mr. Hall advises the Court that he will speak with Deputy Marshal Tom Hall about ensuring Kelly Nunez's presence in court. The Court and counsel discuss scheduling and jury instructions.

Proceedings recess from 12:55 PM to 2:05 PM. The jury is not present. Mr. Hall advises the Court that Kelly Nunez will be at the courthouse at 8 AM tomorrow.

The jury enters at 2:10 PM.

Dawn Tomazich is sworn to testify. Mr. Hall examines the witness. Government's exhibits 19, 20, 18, 15, 17, 15, 17, 16, 5, 4, 4a, 6, 24, 25, and 25a are marked and admitted. Mr. Grasso examines the witness.

Proceedings recess from 3:21 PM to 3:40 PM.

Dawn Tomazich resumes the witness stand. Mr. Grasso and Mr. Hall examine the witness. The witness is excused.

The Government rests.

The Court admonishes the jury. IT IS ORDERED: Jury trial is continued to Thursday, November 8, 2012 at 9:00 AM. The jury exits at 4:35 PM.

The Court inquires if it needs to canvass the Defendant on her right to testify. Mr. Grasso indicates that he will present Defendant's opening statement and then will call 5 witnesses.

Mr. Grasso makes an oral Rule 29 motion and states the reasons for the record. The Court will allow the Government to recall Special Agent Tomazich for the single purpose of asking the agent to identify the Defendant.

Mr. Young makes an oral motion in limine with regard to some hearsay statements made in the testimony of Penny Haischer at the hearing on Monday afternoon. The Court grants the motion.

Mr. Grasso asks that the Court make rulings on the testimony of Kelly Nunez. Assistant Federal Public Defenders Richard Boulware and Rachel Korenblat are present.

Mr. Boulware presents arguments to the Court asking for limitations to the scope of the testimony of Kelly Nunez and how it may implicate his 5th amendment right not to testify. Mr. Grasso, Mr. Young and Mr. Hall present arguments.

IT IS THE ORDER OF THE COURT that the Court will convene a hearing outside the presence of the jury to allow the Court to hear the testimony of Kelly Nunez. Defense counsel will have someone contact Mr. Boulware with a time certain.

Proceedings recess at 5:08 PM.

LANCE S. WILSON, CLERK
UNITED STATES DISTRICT COURT

/s/ Peggie Vannozzi
DEPUTY CLERK